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ORIGINAL
FILED

OCT 24 2007

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

E-filing
5 Attorneys for Defendant CONSECO SENIOR HEALTH INSURANCE COMPANY

7
 8 UNITED STATES DISTRICT COURT
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

MEJ

10 PAMELA THOMPSON, Individually) C CASE NO: 107 5437
 11 and as Personal)
 12 Representative of CHARLES)
 12 THOMPSON, Deceased,) NOTICE OF REMOVAL OF ACTION
 13 Plaintiff,) UNDER 28 U.S.C. § 1441(b)
 14 vs.) (DIVERSITY)
 15 CONSECO SENIOR HEALTH)
 16 INSURANCE COMPANY, a)
 16 Pennsylvania corporation,)
 17 DOES 1 through XX)
 18 Defendant(s).)
 19 _____

20 TO: THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
 21 CALIFORNIA AND TO THE INTERESTED PARTIES AND THEIR ATTORNEYS OF
 22 RECORD:

23 1. Defendant CONSECO SENIOR HEALTH INSURANCE COMPANY,
 24 ("Defendant") files this Notice of Removal, removing this action
 25 from the Superior Court of the State of California for the County
 26 of Sonoma, in which it is now pending, to the United States
 27 District Court for the Northern District of California. Attached
 28 hereto as **Exhibit 1**, and incorporated herein by reference, is a

1 true and correct copy of the complaint filed by the plaintiff in
2 the Sonoma County Superior Court.

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4 2. The removal is sought pursuant to 28 U.S.C. Section
5 1441 on the ground that, in this civil action, none of the
6 parties in interest properly joined and served as defendants is a
7 citizen of the state in which such action is brought:

8 (a) Defendants are informed and believe that at all times
9 relevant herein, plaintiff was and still is, a resident of the
10 County of Sonoma, State of California.

11 (b) Defendant Conseco Senior Health Insurance Company, at
12 all relevant times herein, was and is incorporated in the State
13 of Pennsylvania, with its principal place of business in Carmel,
14 Indiana.

15

16 3. The amount in controversy in this matter exceeds
17 \$75,000.00. Plaintiff alleges that defendants breached an
18 insurance contract, acted in bad faith, engaged in unfair
19 business practices, violated Welfare and Institutions Code
20 Sections 15600 et seq., in failing to pay health care benefits
21 under an insurance policy. As set forth in the attached
22 complaint, Plaintiff alleges damages, including benefits, general
23 punitive damages and attorney fees, in excess of \$500,000.00, as
24 well and costs of suit.

25

26 4. This Notice of Removal has been timely filed within 30

27 / / /

28 / / /

1 days after service of the complaint. The complaint was served on
2 defendants on September 25, 2007.

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4 DATED: October 23, 2007

LAW OFFICES OF MARC J. WODIN

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By _____

MARC J. WODIN
Attorneys for Defendant CONSECO
SENIOR HEALTH INSURANCE COMPANY

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1 **PROOF OF SERVICE**

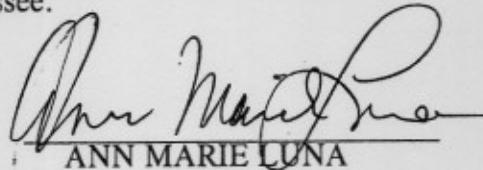
2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of California. I am over the age of
4 eighteen (18) years and not a party to the withing entitled action. My business address is
5 21600 Oxnard Street, Suite 1110, Woodland Hills, California 91367.

6 On October 23, 2007, I served the following described as: **NOTICE OF**
7 **REMOVAL OF ACTION UNDER 28 U.S.C. §1441(b) (DIVERSITY)**, on the interested
8 parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as
9 follows:

10 **SEE ATTACHED LIST**

- 11 **(BY MAIL)** I am "readily familiar with the firm's practice of collection and
12 processing correspondence by mailing. Under that practice it would be
13 deposited with the U.S. postal service on that same day with postage fully
14 prepaid at Woodland Hills, California in the ordinary course of business.
- 15 **(BY FAX)** I caused such document to be delivered by fax transmission to the
16 offices of the addressee.
- 17 **(BY PERSONAL DELIVERY)** I caused such envelope to be delivered by
18 hand to the offices of the addressee.

19 
20 _____
21 ANN MARIE LUNA

SERVICE LIST

Pamela Thompson, et al v. Conseco Sr. Health Ins Co

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Michael P. Guta
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Oakland, CA 94621

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Attys for Plaintiff